



west virginia
DIVISION OF PERSONNEL

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE SUSPENSION

On March 16, 2020, the Governor issued a State of Emergency Declaration related to the outbreak of the COVID-19 virus. In such Declaration, the Governor delegated authority to state agencies to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency.

Pursuant to the authority delegated by the Governor in his Declaration:

The West Virginia Division of Personnel does hereby provide notice that it has **SUSPENDED** the following rule or rules as specified in the attached.

Such suspension shall take effect on March 26, 2020 and shall cease upon the filing of a Notice lifting the suspension or upon the termination of the State of Emergency, whichever occurs first.


Sheryl R. Webb, Director of Personnel

SUMMARY OF PROPOSED RULE SUSPENSION

The following is a summary of provisions of the *Administrative Rule of the West Virginia Division of Personnel*, W. Va. Code R. § 143-1-1 *et seq.*, suspended in response to the Proclamation of a state of emergency by Governor Jim Justice on March 16, 2020, as a result of the COVID-19 virus. Unless otherwise noted*, the suspensions will only be authorized where it is determined by the Director of Personnel (DOP) that compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency. Certain provisions will only be suspended after the Governor's Office approved suspension of the corresponding provisions of DOP's statute.

REFERENCE	SUMMARY
4.7	Pertaining to the timeframe for a classified employee or appointing authority to submit a position classification reconsideration request
4.8	Pertaining to the need to request an extension of a temporary classification upgrade and the requirement that the employee has attained permanent status
4.9.e	Pertaining to the timeframe for classified-exempt employee to submit position classification reconsideration
6.2	Pertaining to the requirement to publicly announce positions for fifteen (15) days
6.4.c	Pertaining to the timeframe for a disqualified applicant to appeal to the Director of Personnel and the timeframe during which the Director must respond
7.3.d	Pertaining to the timeframe for an applicant who has been removed from a register to appeal to the State Personnel Board
7.3.e	Pertaining to the timeframe during which the State Personnel Board must respond to an appeal from an applicant removed from a register
8.2.a.1	Pertaining to the requirement to hire from the top ten (10) names on a register
8.2.a.3	Pertaining to the timeframe during which a register is valid
9.2.a	Pertaining to the requirement to hire from the top ten (10) names on a register
9.3.a	Pertaining to the six-month cap on provisional employment
9.5	Pertaining to the requirement to post positions for ten (10) days

REFERENCE	SUMMARY
9.5.e	Pertaining to the timeframe during which a job posting is valid
9.5.g	Pertaining to the timeframes during which a position must be reposted when a selected individual refuses a job offer, fails to report to work or resigns within the first thirty (30) days of employment
10.1.b	Pertaining to the length of the probationary period
10.4	Pertaining to the prohibition of transfers during the probationary period
12.4	Pertaining to layoff
13	Pertaining to the timeframe for which an individual may submit a request for reconsideration and the timeframe during which the Director of Personnel must respond
14.2	Pertaining to the timeframe during which an appointing authority must notify the Director of Personnel of a change to the agency work schedule
14.3.h	*Pertaining to the requirement for a physician's statement for use of annual leave when sick leave is exhausted. Provided, that an appointing authority may require a physician's release to return to work, as appropriate
14.4.f.3 and 14.4.j	*Pertaining to the requirement for a physician's statement for use of sick leave. Provided, that an appointing authority may require a physician's release to return to work, as appropriate
14.f.6	*Pertaining to the 80-hour cap for use of family sick leave. Provided, that an appointing authority may require a physician's release to return to work, as appropriate
14.4.g	*Pertaining to the requirement for a physician's statement for use of leave. Provided, that an appointing authority may require a physician's release to return to work, as appropriate
14.8.c.1.B, C, and 14.8.d.2	*Pertaining to the requirement for a physician's statement for a medical leave of absence without pay. Provided, that an appointing authority may require a physician's release to return to work, as appropriate